

ANNEX A.

REAL ESTATE SUBDIVISION STANDARDS

for the

Town of EMBDEN, MAINE

13 December 1973

# REAL ESTATE SUBDIVISION STANDARDS

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## FOREWORD

The State statute authorizing these Subdivision Standards was written to permit communities such as Embden to protect themselves from the effects of blighting 'development'.

Responsible development can proceed under these rules for all to see, and to change, if that seems desirable for any reason.

These rules do NOT affect the sales of single homesteads, but only sales from a "subdivision", which means a tract of land divided into three or more lots for sale and development. Subdivisions must be approved as described herein before the lots are sold.

In general, subdividers must show that their project will not be a net financial drain upon the Town and that the prospective residents of Embden who will live there will find themselves with such necessities of modern life as adequate roads, supply of water, means to dispose of sewage and the like.

Growth in Embden is certain. These Standards can ensure that the spurts of growth generated by 'developments' cause a minimum of growing pains.



REAL ESTATE SUBDIVISION STANDARDS

for the

Town of EMBDEN, MAINE

ARTICLE 1 - REAL ESTATE SUBDIVISION REVIEW

1.1 - AUTHORITY - These Standards provide for the Town of Embden the provisions of Title 30, Section 4956, M.R.S.A.

1.2 - PURPOSE - To protect the community interests and environment of Embden, Maine, the Embden Planning Board shall review all proposed real estate subdivisions within the Town against the provisions of these Standards and shall approve only those that:

1.2.1 - Conform with all Embden ordinances and plans.

1.2.2 - Will not overburden any Town services.

1.2.3 - Will not cause unreasonable highway congestion or unsafe conditions for either existing or proposed roads.

1.2.4 - Will provide for adequate sewage waste disposal.

1.2.5 - Will not unduly harm historic or rare sites or natural beauty.

1.2.6 - Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

1.2.7 - Will not result in undue water or air pollution considering:  
The elevation of the land and its relation to flood plains, the nature of soils and their ability to absorb wastes, the slope of land and its effect on effluents, and the applicable State and local health and water resources regulations.

1.2.8 - Have adequate water available for the reasonably foreseeable needs of the subdivision.

1.2 - PURPOSE (con't.)

1.2.9 - Will not cause unreasonable burden on existing water supply, if one is to be used.

1.2.10 - Whose subdivider has adequate financial and technical capacity to meet these Standards.

1.2.11 - Are located within 250' of any pond, stream or drainageway if the quality of water in these bodies will not be adversely affected and if the subdivisions conform with the Shoreline Zoning Ordinance.

1.3 - THE PLANNING BOARD shall administer and be subject to these Standards. All its completed actions upon subdivisions shall state in writing whether or not the criteria listed in Section 1.2 above were met. The burden of proof to show conformance in this regard shall rest with the applicant, not the Board.

1.4 - RECORDS

1.4.1 - Minutes of relevant Board meetings, correspondence, actions and the reasons thereof, and approved subdivision Final Plans shall be maintained in the records of the Town. The approved Final Plans shall also be recorded with the Somerset county Registry of Deeds.

1.4.2 - Copy of these Embden Subdivision Standards shall be furnished any interested person for a nominal fee.

ARTICLE 2 - DEFINITIONS - The following apply throughout these Standards:

Board

The Embden Planning Board

Comprehensive Plan

The Embden Development Plan described in Title 30, Section 4961, M.R.S.A.

Construction Drawings

Drawings showing locations, profiles, grades, sizes and types of drains, sewers, mains, underground ducts, pavements, cross-sections of streets, structures, etc.

Development (Includes 'developing' & 'develop')

Real estate improvements and alterations or acts thereof.

Art. 49. To see if the inhabitants will vote to amend the Embden Real Estate subdivision standards as follows:

Under ARTICLE 2 - DEFINITIONS delete the definition for "Subdivision" in its entirety and substitute the following therefor:

Subdivision:

1. A subdivision is a tract or parcel of land divided into three or more pieces or lots.
  - a. The division may be by sale, lease, development, building, gift or otherwise.
  - b. A parcel of land includes all adjoining land of the same ownership.
  - c. The "three or more" pieces or lots can include lots divided by a former owner.
  - d. A lot created before subdivision status existed for that location is exempt from subdivision regulation. However, that lot shall be counted within a subsequent subdivision which contains that lot.
  - e. Shopping centers, condominiums, apartment houses, mobile home parks, camping areas and the like shall be considered subdivisions if three or more of their proposed units or segments possess interest in the underlying ground.
2. Exceptions to the subdivision "three or more" count include:
  - a. Lots duly made and recorded in the Somerset County Registry of Deeds more than five years previously.
  - b. Lots created by inheritance, governmental seizure or order of a court.
  - c. Lots given to relatives by blood, marriage or adoption and lots conveyed to an abutting landowner, unless the intent of such transfers is to avoid the provisions of this ordinance. Lots separated by a road, unless the road was made by the owner of the land on both sides of it.
  - d. Lots conveyed to the Town of Embden or to the School District #74.

ARTICLE 2 - DEFINITIONS (con't.)

Easement

Property owner's authorization for another to use any designated part of owner's property as specified.

Engineer

Civil engineer licensed by the State.

Official (Town) Map

The map adopted by the Town showing salient features, public property, ways used by two or more owners, approved subdivisions and Town facilities and projects, existing and proposed.

Person

A firm, association, organization, trust, partnership, corporation or company as well as an individual.

Resubdivision

Division of an existing subdivision.

Street

Includes highways, avenues, boulevards, alleys and other rights-of-way.

Subdivision

A tract or parcel of land divided into three or more lots within any five year period, whether accomplished by sale, lease, development, building or otherwise, except when the division is accomplished by inheritance, order of a court or gift to a relative, unless the intent of such gift is to avoid the intent of State subdivision statutes.

In determining whether a parcel of land is divided into three or more lots, land retained by the subdivider for his own use as a single family residence for a period of at least five years shall not be included.

Sale or lease of a lot or parcel shall not be part of a subdivision if such lot or parcel is 40 acres or more in size, except where the intent of such sale or lease is to avoid the intent of the State subdivision statutes.

Land devoted to multiple users as in the cases of shopping centers, condominiums, apartment houses, mobile home parks, camping areas and the like shall be considered subdivisions.

Certain larger subdivisions, including those over 20 acres having at least one lot less than ten acres, or those that exceed 60,000 sq.ft. of ground area in structures, or discharge wastes into water bodies, or extract natural resources, may require DEP approval as well as from the Board. Developers should check.

## ARTICLE 2 - DEFINITIONS (con't.)

### Subdivisions, Major & Minor

A Major Subdivision is one having five or more lots OR is likely to require at any time any extension of public ways, facilities or services. A Minor Subdivision is less than a Major Subdivision.

## ARTICLE 3 - INITIAL SUBDIVISION APPLICATION

3.1 - PRELIMINARY INSPECTION - To inform the Board about the subdivision site before written application is submitted, a prospective subdivider shall arrange an initial joint inspection of his site with the Board or a representative appointed by the Chairman.

3.2 - SUBMISSION OF SKETCH PLAN WITH PRELIMINARY INFORMATION - After the preapplication inspection, the subdivider shall submit for informal discussion a Sketch Plan showing sufficient existing conditions and planned changes with other relevant information to permit the Board to make its tentative determinations. (See Appendix 4 for Sketch Plan sample.)

3.3 - CLASSIFICATION NOTICE TO SUBDIVIDER - After such preliminary inspection, the Board shall within 30 days inform the subdivider in writing of the scale and contour interval required on his subsequent plans and of the classification of the proposed subdivision and of other requirements, including if necessary, the resubmission of an improved Sketch Plan.

## ARTICLE 4 - REVIEW AND APPROVAL OF A MINOR SUBDIVISION

4.1 - CLASSIFICATION UPWARDS - Where the Board feels that the public interest requires it, the Board may require that a Minor Subdivision comply with any or all the requirements specified for a Major Subdivision.

### 4.2 - PROCESSING APPLICATIONS - MINOR SUBDIVISION

4.2.1 - Submission of Minor Subdivision Final Plan - Within six months after the Board classifies a proposed subdivision as "Minor", the subdivider shall submit a Final Plan (See App. 7 for sample Final Plan map.) for approval. Failure to do so shall require resubmission of the Sketch Plan for reclassification. The Final Plan shall conform to the Sketch Plan and all prior preliminary information submitted as well as to any additional requirements of the Board.

## 4.2 – PROCESSING APPLICATIONS – MINOR SUBDIVISIONS (con't.)

4.2.2 – Fees - All Submissions of final plans for minor subdivision shall be accompanied by a fee of \$250.00 plus \$100.00 per subdivided lot, payable by check to the Town of Embden, stating on the check its purpose. (Amended 5/05/05)

4.2.3 – Public Hearing – Within 30 days from receipt of the Final Plan, the board shall hold a public hearing advertised twice in a newspaper of general circulation at least a week in advance. The Subdivider shall be notified of the time and place of this hearing.

4.2.4 – Approval/Disapproval – Within 30 days after the hearing or 45 days after receipt of the Plan, the Board shall approve, modify or disapprove the Final Plan. Reasons for any action taken shall be stated in writing.

## 4.3 – FORM OF APPLICATIONS – MINOR SUBDIVISIONS – The Final Plan shall include the following:

4.3.1 – Four copies of all documents, including maps and drawings.

Maps and drawings shall be drawn to a scale of not over 100' to the inch and shall be clearly reproduced on suitable material at least 8 ½" x 11", but not larger than 34" x 44". Sheet shall have 2" left-hand margins for binding and 1" margins on the other edges.

4.3.2 – Names and addresses of the owner of record, the subdivider, the subdivision itself, names of adjoining owners, and for maps, the north point, map scale and contour interval.

4.3.3 – Copy of any deed restrictions, easements and liens covering any part of the subdivision tract.

4.3.4 – A survey map of all subdivision boundaries, interior as well exterior, to the scale specified by the Board and certified by a licensed surveyor. Corners of the tract (located on the ground by permanent monuments) shall be referenced on the map. Contour lines specified by the Board shall be shown and also soil-type boundaries by USDA Soil Conservation Service classification. Soil conditions will be identified down to one eighth acre to determine suitability for septic or public sewage disposal according to the USDA Soil Conservation Service publication, "Soil Suitability Guide for Land Use Planning in Maine".

4.3.5 – Sewage and water supply facilities shall be designed to meet these Standards and relevant State laws and regulations.

4.3.6 – Description of available utilities and of purposed facilities, including streets and their construction and joint – use areas for Town acceptance.



## Article 5 – PRELIMINARY PLAN – MAJOR SUBDIVISION

### 5.1 – PROCESSING PRELIMINARY PLANS – MAJOR SUBDIVISIONS

5.1.1 – Within six months after the Board has classified a proposed subdivision as “Major”, the subdivider shall submit a Preliminary Plan for a Major Subdivision. (See App. 6 for sample.) Failure to do so shall require resubmission of a Sketch Plan for classification. The Preliminary Plan shall conform to the Sketch Plan and all prior preliminary information as well as to additional items requested by the Board.

5.1.2 Fee – Submission of the Preliminary Plan shall be accompanied by a fee of \$500.00 plus \$100.00 per subdivided lot, payable by check to the Town to Embden, stating on the check its purpose. (Amended 5/05/05)

5.1.3 – Public Hearing – Within 30 days after receipt of the Preliminary Plan, the board shall hold a public hearing advertised twice in a newspaper of general circulation at least a week in advance. The Subdivider shall be notice of the time and place of this hearing.

5.1.4 – Approval/Disapproval – Within 30 days after the hearing or 45 days after the Plan’s receipt, the Board shall approve, modify, or disapprove the Preliminary Plan. This action, with reasons, shall be in writing.

5.1.4 (1) – The Board shall state its reasons for modifications or disapproval in writing. The Board shall similarly give written notice of conditions for approval or of performance bond requirements in specific detail.

5.1.4 (2) – The Board shall affix its above actions to all copies of the Preliminary Plan, one of which shall be returned to the subdivider, one forwarded to the Selectmen and two retained.

### 5.2 FORM OF THE PRELIMINARY PLAN SUBMISSIONS – MAJOR SUBDIVISIONS

5.2.1 – Location Map – The Preliminary Plan shall include a location map (See App. 5 for sample.) drawn to a scale of not over 400 ft./inch showing the proposed subdivision and all surrounding area within a half mile AND:

5.2.1 (1) – Drawing all abutting land parcels or those across any street from the subdivision, with names of record owners.

5.2.1 (2) – Locations, widths and names of existing or proposed streets, easements, building lines and other major features of the properties in paragraph 5.2.1 (1) above.

- 5.2.1 (3) - Boundaries of public areas and zoning districts with their identification.
    - 5.2.1 (4) - Outline of the subdivision streets and their probable future extensions.
  - 3 5.2.2 - The Preliminary Plan shall be submitted in four copies of all its documents (including Location Map). The maps and drawings (except the Location Map) shall be drawn to scale of one inch equals not over 100 ft. The maps and drawings shall show or be separately accompanied by the following information:
    - 5.2.2 (1) - Names and addresses of: The subdivision itself, the record owner, the subdivider and the designer of the Plan.
    - 5.2.2 (2) - Sizes of lots within the subdivision, location of lot, lines, existing easements, buildings, watercourses and other major physical features currently existing.
    - 5.2.2 (3) - Provisions of any applicable zoning ordinance.
    - w 5.2.2 (4) - Location and size of any existing sewers, water mains, culverts and drains or watercourses.
    - w 5.2.2 (5) - Location, names and dimensions of existing and proposed streets, highways, easements, building lines, alleys, parks, screening strips and other public spaces.
    - w 5.2.2 (6) - Topographic contour lines at not more than five foot intervals and the grade and profile of all streets or other proposed common use areas.
    - 7 w 5.2.2 (7) - A soils report superimposed upon the plot plan showing USDA Soil Conservation Service classifications down to one eighth acre to determine suitability for individual septic or public sewage disposal. Relevant recommendations taken from the USDA Soil Cons. Serv. 'Soil Suitability Guide for Land Use Planning in Maine' will accompany the annotated plot plan.
    - 3 5.2.2 (8) - Survey map of tract boundaries with date, north point, graphic scale, bearings and distances all tied into established ground monuments and all certified by a licensed surveyor.
    - 3/ 5.2.2 (9) - Connections with existing water and sewer systems or adequate description of alternative means of providing both.
    - 2 5.2.2 (10) - For a private sewage disposal system, there must be dates, location and results of percolation tests of subsurface soil and water conditions and depth to maximum ground water level.
- for each lot?



5.2.2 (11) – A drainage plan for storm drainage, including design and capacity of any bridges or culverts required.

5.2.2 (12) – Specific public-use areas, stating their uses.

5.2.2 (13) – Location of all natural features or site elements to be preserved.

5.2.2 (14) – An erosion control plan.

## ARTICLE 6 – FINAL PLAN FOR MAJOR SUBDIVISION

### 6.1 – PROCESSING THE FINAL PLAN – MAJOR SUBDIVISION

6.1.1 – Within six months after approval of his Preliminary Plan, the subdivider shall submit a Final Plan. (See app. 7 for sample map.) Failure to meet this schedule may require re-submission of the Preliminary Plan.

6.1.2 – Fee – All Final Plans for Major Subdivision submitted to the Board shall be accompanied by a fee of \$500.00, payable by check to the Town of Embden, stating on the check its purpose. (Amended 5/05/05)

6.1.3 – Required Subordinate Approvals – Before the Final Plan is submitted to the Board for approval, separate written approvals must be secured from the agencies listed below, if appropriate:

6.1.3 (1) – State of Maine Department of Environmental Protection if the subdivision is larger than 20 acres, or has more than 60,000 sq. ft. of ground area in structures, or will discharge waste into any body of water, or will take natural resources from the area, or is subject to such review for any other reason.

6.1.3 (2) – Water supply systems shall be approved by:

6.1.3 (2)(a) – The servicing Water Department/District if existing public water service is to be used, or

6.1.3 (2)(b) – The Maine Department of Health and Welfare if a new central water supply system is to be provided, or

6.1.3 (2)(c) – A licensed engineer if individual wells are to be used. In this event, results of water quality tests will also be required from the Maine Department of Health and Welfare

6.1.3 (3) - Sewage disposal systems shall be approved by:

6.1.3 (3) (a) - The servicing Sanitary Sewer District if existing public disposal systems are to be used, or

6.1.3 (3) (b) - The Maine Department of Health and Welfare if either a new central sewage system or individual septic tanks are to be installed by the subdivider, or

6.1.3 (3) (c) - The Maine Department of Environmental Protection if the municipal sewage system to be used is deemed inadequate for the purpose by DEP standards, or if the discharge will be of "significant nature", or if the discharge will empty, treated or not, into any body of water.

6.1.4 - Public Hearing - Within 30 days after submission of the Final Plan, the Board shall hold a public hearing. At least ten days beforehand, the Board shall advertise this hearing: Twice in a newspaper of local circulation; by posting in at least three prominent places; and by notice to the North Kennebec Regional Planning Commission and to the Clerk of any town within a quarter mile of the subdivision.

6.1.5 - Guarantee of Performance - Before the Board approves the Final Plan, the subdivider shall, in an amount set by the Board, file with the Town Treasurer a certified check or performance bond to cover the full cost of all subdivision improvements required by the Board and these Standards. The form of any such bond or deposit shall be satisfactory to the Selectmen as to sufficiency, surety and manner of execution. For either check or bond, the Board shall inform the subdivider in writing of the specific improvements and completion dates required to avoid partial or full forfeiture of the check or bond.

6.1.6 - Approval/Disapproval of the Final Plan - Following the public hearing, and within 60 days of submission of the Final Plan, the Board shall approve it, with or without modification or conditions, or shall disapprove the Final Plan. In writing, the Board shall give reasons for modification or disapproval and/or similarly list specific conditions for conditional approval, if any.

6.2 - ELEMENTS OF THE FINAL PLAN - MAJOR SUBDIVISIONS - The Final Plan shall consist of four complete copies of all maps and documents reproduced in the same manner as was the Preliminary Plan. Space shall be reserved on the Final Plan for endorsement by all appropriate agencies. The Final Plan shall show:

6.2.1 - All the information of the Preliminary Plan with its Location Map and any amendments that were required by the Board.

6.2.2 - Name, registration number and seal of the surveyor, architect, engineer or consultant who prepared the plan.

6.2.3 - Street names and lines, pedestrian ways, lots, easements and areas to be reserved for, or dedicated to, public use.

6.2.4 - Sufficient data to locate ground reference points - The location, bearing and length of every street line, lot line and boundary and their reference points on the ground.

6.2.5 - Street Data: The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.

6.2.6 - Location and designation of all public open spaces for which offers of cession are made by the subdivider and those spaces to which title is reserved by the subdivider.

6.3 - THE FOLLOWING SHALL ACCOMPANY THE FINAL PLAN SUBMITTED TO THE BOARD.

6.3.1 - A written offer to deed to the Town the proposed public spaces shown on the Final Plan AND legally binding agreements specifying how spaces to be reserved by the subdivider are to be maintained.

6.3.2 - Written evidence that the Selectmen are satisfied that the documents referred to in para. 6.3.1 above are legally adequate for their purpose. Such evidence shall not constitute an acceptance by the Town of any area or facility.

6.3.3 - Itemized lists showing:

6.3.3 (1) - Construction items that will be completed by the subdivider prior to the sale of any lots.

6.3.3 (2) - Whatever construction and maintenance will be borne by the Town (assuming acceptance of the proposed items).

6.3.3 (3) - Detailed estimates of how much the projected annual costs of approving the subdivision will add to the tax burden of the Town in such categories as: Schools, school busing, road maintenance, snow removal, provision of water or disposal of sewage or storm drainage, recreation facilities, welfare, police and fire protection.

6.3.4. - A performance bond or certified check payable to the Treasurer of Embden to secure completion of the improvements required by the Board AND written evidence that the Selectmen feel that the bond/check is adequate for its purpose.

ARTICLE 7 - GENERAL REQUIREMENTS FOR SUBDIVISIONS - In reviewing any subdivision application, the Board shall consider the items listed below. In all instances the burden of proof that essential requirements are met shall be upon the subdivider.

7.1 - CONFORMITY TO LAW - Subdivisions shall conform with the Embden Comprehensive Plan and all pertinent Town and State laws, regulations and ordinances.

7.2 - ADDITIONAL NEED FOR TOWN FUNDS AND SERVICES - Approval of subdivisions may often soon require substantially expanded Town services and funding. Subdividers shall present accurate projected annual costs that the Town will incur as a consequence of approving the subdivision.

7.3 - RESERVATION OF PUBLIC USE AREAS - Recreation areas, especially athletic fields, are highly desirable. They must be suitable for the stated intended purpose. For a subdivision abutting water, adequate water frontage should be reserved for public use. Land reservations for other appropriate municipal purposes should also be weighed. In cases where the subdivision will occupy land that is needed for a municipal purpose, the Board should consider either disapproval of the application or requesting the subdivider to create a trust fund to enable the Town to purchase compensatory land in another location.

7.4 - PRESERVATION OF NATURAL AND HISTORIC FEATURES - Subdivision design should preserve existing trees, replace stripped vegetation, grade contours and streams and preserve scenic, historic or environmentally desirable areas. The street and lot layout should be adapted to the topography. Extensive grading and filling should be avoided except as necessary.

7.5 - LAND NOT SUITABLE FOR DEVELOPMENT - The Board shall not approve those portions of a subdivision that:

7.5.1 - Is located on flood plain soils, or on land which must be filled or drained, or on land created by diverting a stream.

7.5.2 - Will use septic sewage disposal on soils rated 'poor' or equivalent, or worse, by the 'Soil Suitability Guide for Land Use Planning in Maine'. (US Soil Conserv. Serv. publ.) Where soils are rated 'fair' or equivalent for septic sewage disposal, the minimum lot size shall be 40,000 sq.ft.

7.5.3 - Have structures, septic sewage disposal systems or roads (except crossings and access roads) within 250 feet of the high water mark of any pond, lake, river or large stream.

**7.6 - STREET BLOCKS WITHIN SUBDIVISIONS** - The length, width and shape of subdivision blocks shall be determined with due regard to zoning requirements, need for convenient access and safety of street traffic and the limitations of topography. Extra long blocks should include a crossing easement for underground utilities and pedestrians.

**7.7 - LOTS WITHIN SUBDIVISIONS** - Size, shape and building setback lines of lots shall be appropriate for the type of development and to ensure off-street vehicle parking. Minimum lot frontage on public streets shall be 150'. Except to provide separation from traffic arteries or overcome specific disadvantages, there shall be no double or reverse frontage lots. A planting screen easement of at least 20', across which there shall be no right of access, shall be provided along the line of lots abutting such traffic artery or disadvantageous use. In so far as practicable, side-lot boundaries shall be perpendicular or radial to street lines.

**7.8 - DRAINAGE EASEMENTS** - Where a stream or water drainageway crosses or adjoins a subdivision, a drainage right-of-way shall be provided of not less than 30' (15' for boundaries) along the line of drainage. To avoid flooding within lots, this easement should be as wide as required.

**7.9 - UTILITY INSTALLATIONS** - The size, type, location and installation of utilities such as street lights, electricity, telephone and fire alarm lines, gas, water and sewage mains and piping, fire hydrants, power transformers, etc. shall be in accord with sound practices, safety and appearance. Except where the Board authorizes otherwise, utility lines shall be underground.

**7.10 - TREES AND SCREENING GROWTH TO BE PROVIDED BY SUBDIVIDER** - Street trees, open green spaces and esplanades should be considered. To protect against highway and/or industrial noise, there should be a green buffer strip of at least 25' wide abutting the adjacent lots. Where any of these are required, they should be completed as the subdivision progresses.

**7.11 - MANDATORY SUBDIVISION IMPROVEMENTS** - Unless specifically exempted by the Board, subdivision improvements shall always include: Streets, permanent boundary monuments, water supply, sewage disposal, storm drainage, electric installation to lots, street signs, and usually, sidewalks.



## ARTICLE 8 - DESIGN STANDARDS FOR SUBDIVISIONS

**8.1 - BOUNDARY MONUMENTS** - Permanent boundary monuments shall be set at all corners, angle points of subdivision boundaries and its lots, and at all street intersections and points of curvature. Monuments shall be stone, showing in the ground at final grade level and extending at least one and a half feet below ground. They shall be shown on the Final Plan. Holes at least one half inch deep on top of these stone shall show the boundary points.

**8.2 - STREET NAMES AND SIGNS** - Streets shall have the same name if they join end to end, or if in the near future they are likely to so join nearby streets. Names of new streets shall neither duplicate nor sound similar to names of existing Town streets. The subdivider shall furnish and install street-name signs as directed by the Board.

### 8.3 - SUBDIVISION STREETS

**8.3.1 - Street Classification** - For purposes of these Standards, streets are classified by function as follows: Major Streets are primarily major traffic connections between and through towns; Collector Streets gather traffic from Minor Streets to feed Major Streets; Minor Streets are local streets used primarily for access to abutting properties.

#### 8.3.2 - Street Layout

8.3.2 (1) - Where applicable, subdivision streets shall conform to the Embden Comprehensive Plan.

8.3.2 (2) - Subdivision streets shall provide safe vehicular travel while discouraging through traffic (on minor streets).

8.3.2 (3) - Street design shall consider existing streets, safety, convenience and proposed use. Grades shall ordinarily conform to original topography.

8.3.2 (4) - Where needed for dead-end streets, the Board may require a 20' wide easement to an adjacent street for pedestrians and utility lines. An enlarged vehicular turn-around area is also required at ends of dead-end streets.

8.3.2 (5) - No reserve strips shall give access to streets except as the Board may specify under Town control.

8.3.2 (6) - Streets designed for commercial use shall have at least two eight foot parking lanes and two twelve foot travel lanes.

8.3.2 (7) - Lots for commercial use shall have adequate off-street parking space, suitably surfaced.

### 8.3.2 - Subdivision Street Layout (con't.)

8.3.2 (8) For a subdivision bordering a railroad, the Board may require parallel street(s) suitably removed from the railroad so as to use the intervening land and also provide for future grade crossings.

8.3.2 (9) - Where a subdivision borders an existing substandard road, or when the Comprehensive Plan indicates plans for road realignment requiring some of the subdivision land, the subdivider shall identify areas for such road realignment on his Plan.

8.3.2 (10) - Where a subdivision abuts or contains an existing or proposed major street, the Board may require marginal access streets (street parallel to the major street and providing access to adjacent lots), reverse frontage (frontage on a street other than the existing or proposed major street) with screen planting contained on a non-access reservation along the rear property line, or such other treatments as may be necessary for adequate protection of residential properties and to separate through and local traffic.

8.3.2 (11) - Subdivisions having over 15 lots shall have at least two street connections with existing public streets or with streets shown on the Official Town Map, or with streets on an approved subdivision plan for which a bond has been filed.

8.3.2 (12) - Street entrances into existing or proposed collector streets shall not exceed one every 400 feet, or into existing or proposed major streets, shall not exceed one every 1000 feet.

### 8.3.3 - Street Design and Construction Standards

8.3.3 (1) - All subdivision streets shall be designed and constructed to the standards shown in Appendixes 9 & 10 according to how the respective streets are classified by the Board.

8.3.3 (2) - Street-edge green strips shall be banked and graded appropriately for road shoulders and as inner edges of sidewalks where required.

8.3.3 (3) - Streets shall intersect at angles greater than 60° and at 90° where practicable.

8.3.3 (4) - Cross (four-cornered) street intersections shall be used only if essential. The distance between center lines of offset intersecting streets shall be at least 200 feet.

8.3.3 (5) - Street intersections and curves shall be designed to permit adequate visibility for both pedestrian and vehicular traffic. Corner lots will be cleared or graded to allow 25' sight lines between intersecting streets.

### 8.3.3 - Subdivision Street Design and Construction Standards (con't.)

8.3.3 (6) - Streets shall have adequate drainage to remove storm water without flooding or erosion of adjacent surfaces.

8.3.3 (7) - Curbs and gutters shall be installed at the discretion of the Board. These are required in 'urban areas' as defined by State Highway Commission.

8.3.3 (8) - Side slopes shall be graded less than 33 1/3% with at least six inches of compacted loam and covered with durable vegetation sufficient for both appearance and preventing erosion.

8.3.3 (9) - Streets shall be rough-graded to the full width of the right-of-way.

### 8.4 - SUBDIVISION PLANTING AND VEGETATION STANDARDS

8.4.1 - All esplanade and roadside planting strips shall receive at least six inches of compacted loam free of sods, clay and stones larger than one inch. Base material shall be removed prior to placement of topsoil. These areas shall be spread with ten lbs. of lime and two lbs. of 10-10-10 fertilizer per 100 sq.ft. and seeded with durable permanent lawn grasses.

8.4.2 - Suitable shade trees shall be planted along roadways and other areas as required by the Board.

8.4.3 - Trees originally growing within the subdivision shall be left undisturbed where feasible in order to screen, control erosion and for appearance.

8.5 - SUBDIVISION SIDEWALKS shall be installed by the subdivider where the subdivision abuts a major street and elsewhere as required by the Board for safety, convenience and appearance.

### 8.6 - SUBDIVISION WATER SUPPLY

8.6.1 - Every subdivision shall have a public water supply system with adequate fire hydrants unless specifically exempted by the Board.

8.6.1 (1) - The appointed Engineer, the Water Company or other valid authority shall certify that the public water supply: Meets PHS 'Drinking Water Standards, 1962'; will have at least 350 gallons per day for all planned residences; and will have adequate storage to meet peak demands and adequate pressure for fire protection AND will not unduly burden the supply source, treatment facilities or distribution system.



8.6.1 (2) - The public water supply system shall have mains at least six inches in diameter and shall comply with the requirements of the State Department of Health and Welfare and 'Manual for Evaluating Public Drinking Water Supplies' (PHS #1180, 1969).

8.6.2 - Individual wells may be used only with specific authority of the Board when a public water system is not feasible and private wells would have adequate supply and not risk contamination. In such cases, the subdivider shall install wells on all lots. Dug wells may be used only when no other type is practicable.

#### 8.7 - SEWAGE DISPOSAL SYSTEM(S) SHALL BE INSTALLED FOR ALL LOTS

8.7.1 - Individual septic sewage for each lot may be approved when a central system is not feasible. However, no septic sewage disposal system shall be allowed in soils rated 'poor' or equivalent or worse by the 'Soil Suitability Guide for Land Use Planning in Maine' (US Soil Conserv. Serv. publ.)

8.7.2 - All sewage disposal plans shall be designed by an engineer in compliance with the requirements of the State Plumbing Code and the Department of Environmental Protection.

8.7.3 - Where a public sanitary sewer line is nearby, if the appropriate sewer authorities permit, the subdivider shall connect the subdivision to the existing sewer with mains at least eight inches in diameter.

#### 8.8 - SUBDIVISION SURFACE DRAINAGE

8.8.1 - The surface drainage plan shall show ditching, culverts, drainage easements and other proposed improvements accompanied by an engineer's certificate that the proposed subdivision will not create erosion or drainage problems either within the subdivision or out.

8.8.2 - Drainage easements (See paragraph 7.8)

8.8.3 - Soil erosion shall be prevented by maintaining existing vegetation and reseeding scarred areas.

8.8.4 - To prevent shoreline erosion, tree cutting from the shore to 50' inland from the normal high water mark shall be limited by no more than 30% clear-cutting along the shoreline itself or in the 50' - deep strip behind the shore. In the remaining 70% percent of the shoreline strip, cutting shall leave sufficient cover to preserve natural beauty and control erosion.

8.9 - SUBDIVISION TOPSOIL is part of the subdivision and except for surplus from roads, parking areas and building excavations, it shall be left on-site.

ARTICLE 9 - APPROVAL AND FILING OF FINAL SUBDIVISION PLANS - Upon satisfactory completion of the requirements of Article 6 of these Standards and appropriate notation of that on the Final Plan, it shall be signed by a majority of the Board members. The subdivider shall record the approved Final Plan with the Somerset County Registry of Deeds. Any such Plan not recorded within 90 days from its date of approval shall be null and void. The Board shall file an additional copy of the Final Plan with the Selectmen and shall retain a copy for the Board's files.

ARTICLE 10 - REVISION OF FINAL PLANS - Once approved by the Board, a Final Plan cannot be changed unless the Board so votes. A Plan changed without authorization shall be null and void, and if already recorded, the Board shall take immediate action to have that Plan stricken from the County Registry of Deeds and Town files. Authorized amendments to an approved Plan must be signed by a majority of the Board and then filed and recorded as in Article 9 above.

ARTICLE 11 - INSPECTION AND COMPLETION OF REQUIRED SUBDIVISION IMPROVEMENTS

11.1 - INSPECTION OF IMPROVEMENTS

11.1.1 - To ensure compliance with the Final Plan, the Board shall appoint an engineer as its Inspector over subdivision improvements.

11.1.2 - Work on improvements shall not begin without the Inspector in attendance except as exempted by the Board or the Inspector.

11.1.3 - When necessary to ensure compliance with the Final Plan, inspection of improvements shall be continuous. (As when laying road base, for example.) Some other improvements may be reasonably inspected upon completion of each item.

11.1.4 - The Inspector shall keep the Board regularly informed of the progress of subdivision improvements. If items not being constructed according to the Plan and not immediately corrected by the subdivider, the Inspector will report to the Board without delay.

11.1.5 - If the Inspector finds that minor modifications are desirable, he may, after receiving oral approval from the Board, authorize such modifications. All these must be within the intent of the Board's approval of record. Any such modifications the Inspector authorizes under this section shall be given in writing, a copy of which shall be given to the Board at its next regular meeting, or by certified mail, whichever is quicker.

## 11.1 - INSPECTION OF IMPROVEMENTS (con't.)

11.1.6 - When the Inspector is satisfied that the improvements required by the Final Plan have been satisfactorily completed in compliance with these Standards and all applicable State and Town laws, regulations and ordinances, he shall so certify this to the Board in writing.

## 11.2 - INSPECTION DEPOSIT

11.2.1 - The subdivider shall pay a separate inspection deposit ten days before beginning work on subdivision improvements. This deposit shall equal twice the estimated cost of subdivision inspection by the Board's appointed engineer. The deposit shall be paid by check to the Town of Embden, stating thereon its purpose.

11.2.2 - Compensation for the Inspector at normal rates shall be paid to him from this deposit monthly.

11.2.3 - Whenever the inspection deposit is reduced to 15% of the original amount, the subdivider shall file another such check for the same purpose, equal to 50% of the original amount.

11.2.4 - The balance left in the deposit account after all proper payments to the inspector shall be returned to the subdivider after all subdivision improvements have been satisfactorily completed as determined by the Board.

11.3 - WHEN AFTER DUE WARNING, THE SUBDIVIDER FAILS TO COMPLY with the requirements of the Final Plan and these Standards, the Board shall notify the Selectmen so as to protect the Town's rights under the performance bond/certified check.

11.4 - COMPLETION OF REQUIRED IMPROVEMENTS - When the subdivider satisfactorily completes all improvements required by the Final Plan and these Standards, and the Board holds the Inspector's certification mentioned in paragraph 11.1.6 above, the Board will ask the Selectmen to release the subdivider from liability under his performance bond or deposit, providing that such completion occurred within the appropriate deadline date(s).

## ARTICLE 12 - ENFORCEMENT

12.1 - NO RECORDING SUBDIVISION DEEDS BEFORE APPROVAL - No subdivision of Embden land as defined herein shall be filed with the Somerset County Registry of Deeds until a Final Subdivision Plan thereof has been approved by the Embden Planning Board.

12.2 - NO DEVELOPMENT WORK BEFORE APPROVAL - No subdivision development work of any nature shall begin until approved by the Embden Planning Board.

12.3 - NO UTILITY CONNECTIONS WITHOUT APPROVAL - Unless a Final Plan has been approved for a subdivision by the Embden Planning Board, no part of the subdivision shall be connected or serviced by any public utility. (See App. 8 for sample Utility Service Form.)

12.4 - NO OFFERING TO SELL WITHOUT APPROVAL - No person may sell, lease or convey for consideration, or offer or agree to sell, lease or convey for consideration, any land in a subdivision in Embden until the Final Plan for that subdivision shall have been approved by the Embden Planning Board.

12.5 - PENALTIES - Any person who sells, leases or conveys for consideration, or offers or agrees to sell, lease or convey for consideration, any land in a subdivision in Embden for which the Final Plan has not been approved by the Embden Planning Board and properly recorded in the Somerset County Registry of Deeds shall be punished by a fine of up to \$10,000.00 for each such sale, lease, conveyance for consideration or offering or agreement for same. The Selectmen shall take action to enjoin violation of this Article and initiate complaints of criminal action.

(Amended November 19, 1988)

## ARTICLE 13 - PUBLIC ACCEPTANCE OF SUBDIVISION STREETS AND PUBLIC AREAS

13.1 - SUBDIVISION APPROVAL DOES NOT NECESSITATE PUBLIC ACCEPTANCE - The Board's approval of a subdivision shall in no way obligate the Town to accept any street, easement, area or facility shown on a subdivision plan.

13.2 - AGREEMENT TO DEED AREAS TO THE TOWN - The Board may require a subdivider to submit a written agreement to deed to the Town those areas he proposes that the Town accept.

13.3 - ONLY TOWN MEETING CAN ACCEPT PROPERTY - The Town can accept areas or facilities offered by subdividers only by vote of the Embden Town Meeting. The Board cannot bind the Town otherwise.

**ARTICLE 14 - ACTION WHEN ANOTHER PLAN IS IN DEFAULT** - The Board shall neither consider nor receive any additional plan(s) from a subdivider who is in default on a Final Plan already approved by the Board.

**ARTICLE 15 - WAIVERS** - Where these Standards work undue hardship, or where there are special compensating circumstances of a particular Plan, the Board may waive compliance with specific sections of Articles 3-8 herein, provided that such waiving does not prejudice the public interest, nullify the intent of the Town Map, Comprehensive Plan or Zoning Ordinance, or applicable State laws and regulations. In granting such waivers, the Board shall require any conditions necessary to satisfy the intent of the waived sections of these Standards.

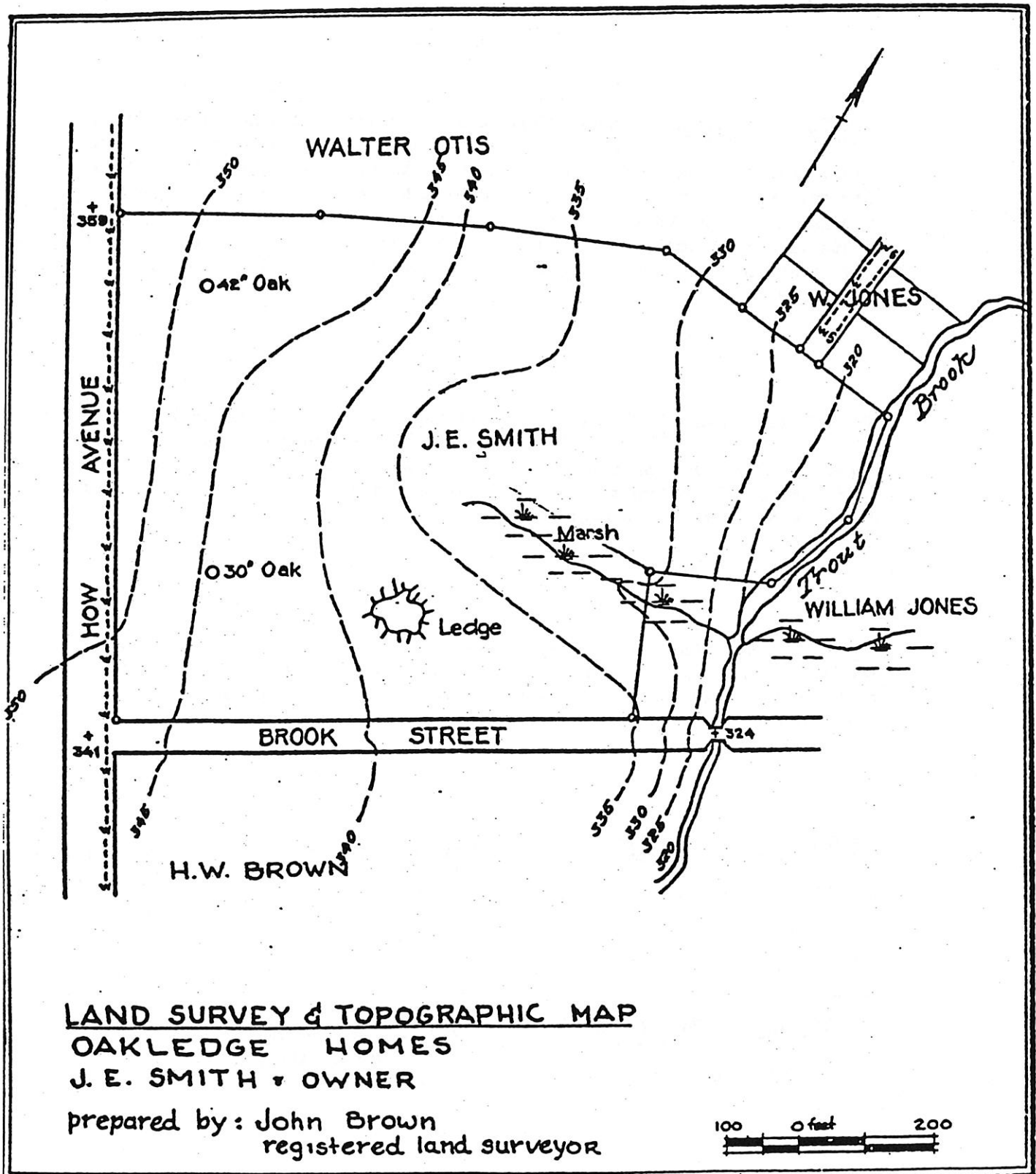
**ARTICLE 16 - MODIFICATION OF THESE STANDARDS** - After an appropriate public hearing given proper public notice of at least one week, reasonable additions may be made to these Standards. Such additions shall govern subdivision control until approved, amended, replaced or disapproved by the Town Meeting.

**ARTICLE 17 - APPEALS** - Except for Shoreline Zoning matters, subsidiary subdivision decisions of the Planning Board may be appealed to the Embden Board of Appeals as provided in Title 30, Section 2411 M.R.S.A. Subdivision decisions affecting jurisdiction of the Shoreline Zoning Ordinance shall be separately appealed as provided therein.

**ARTICLE 18 - SEPARABILITY** - The rendering of any particular provision of these Standards invalid shall not, of itself, invalidate any other provision of these Subdivision Standards.

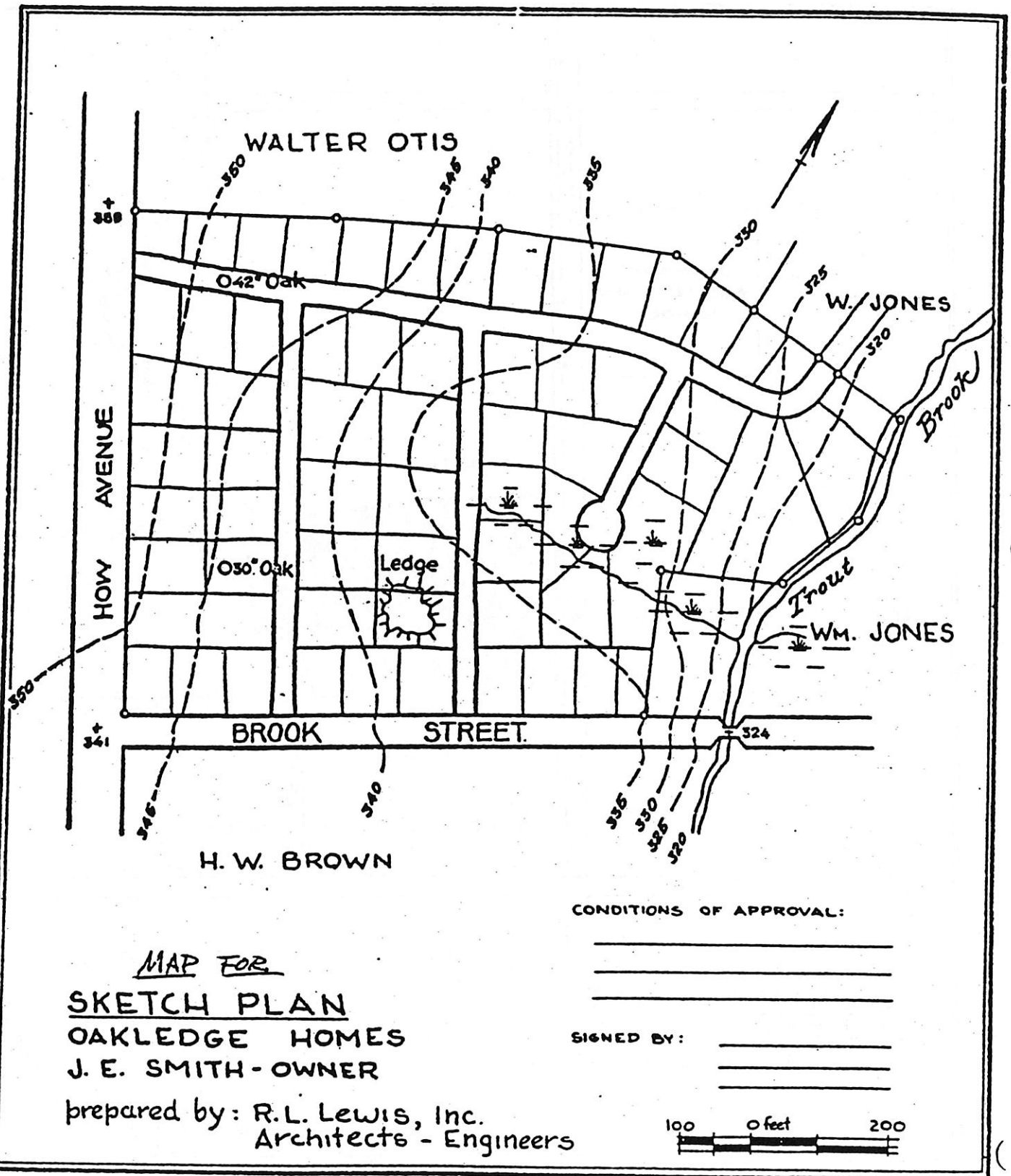
**ARTICLE 19 - EFFECTIVE DATE** - These Standards are effective upon adoption by the Planning Board. The next following Town Meeting shall approve, modify or disapprove these Standards.

(Sample)  
LAND SURVEY AND TOPOGRAPHIC MAP\*

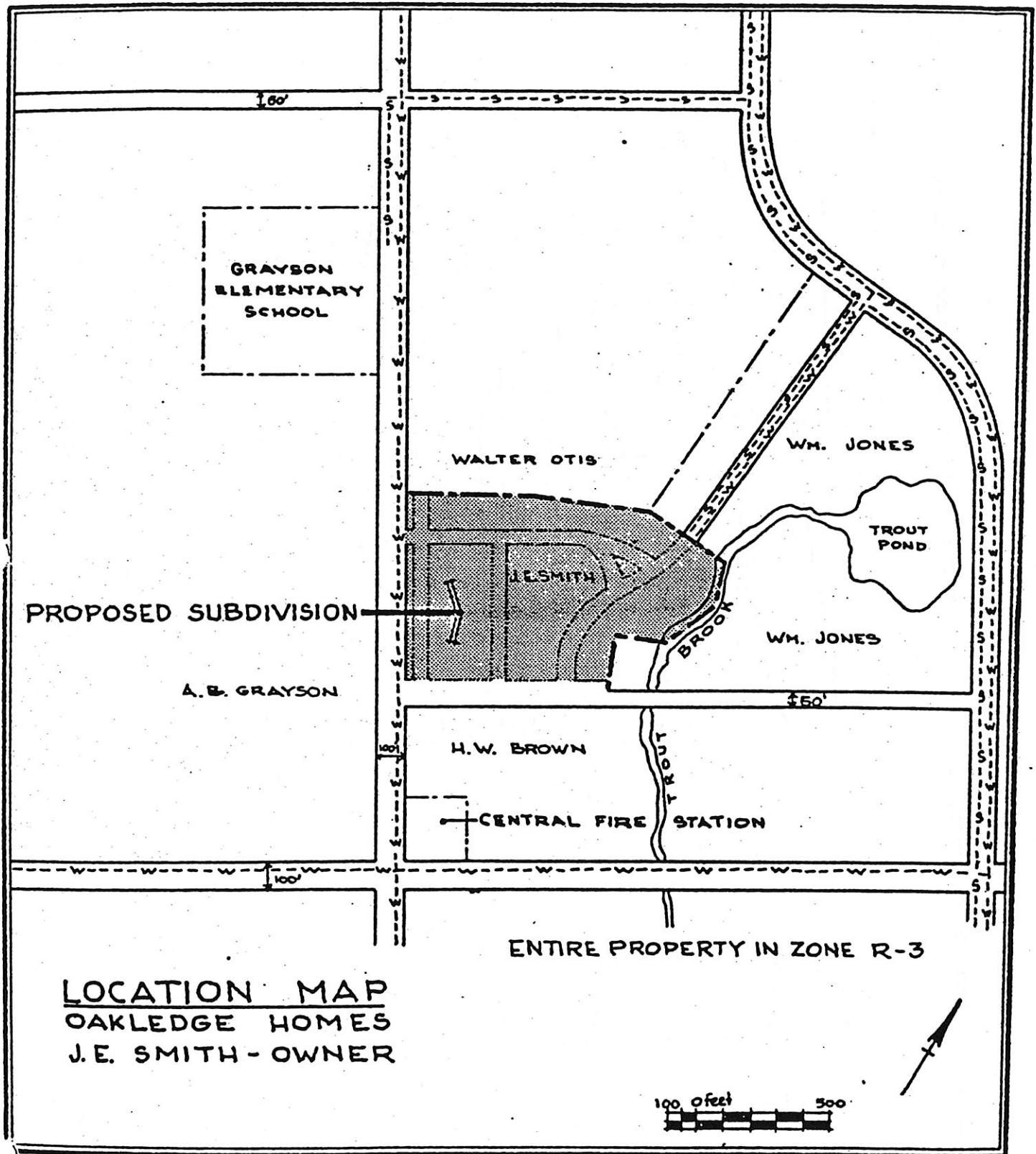




(Sample)  
SKETCH PLAN\*

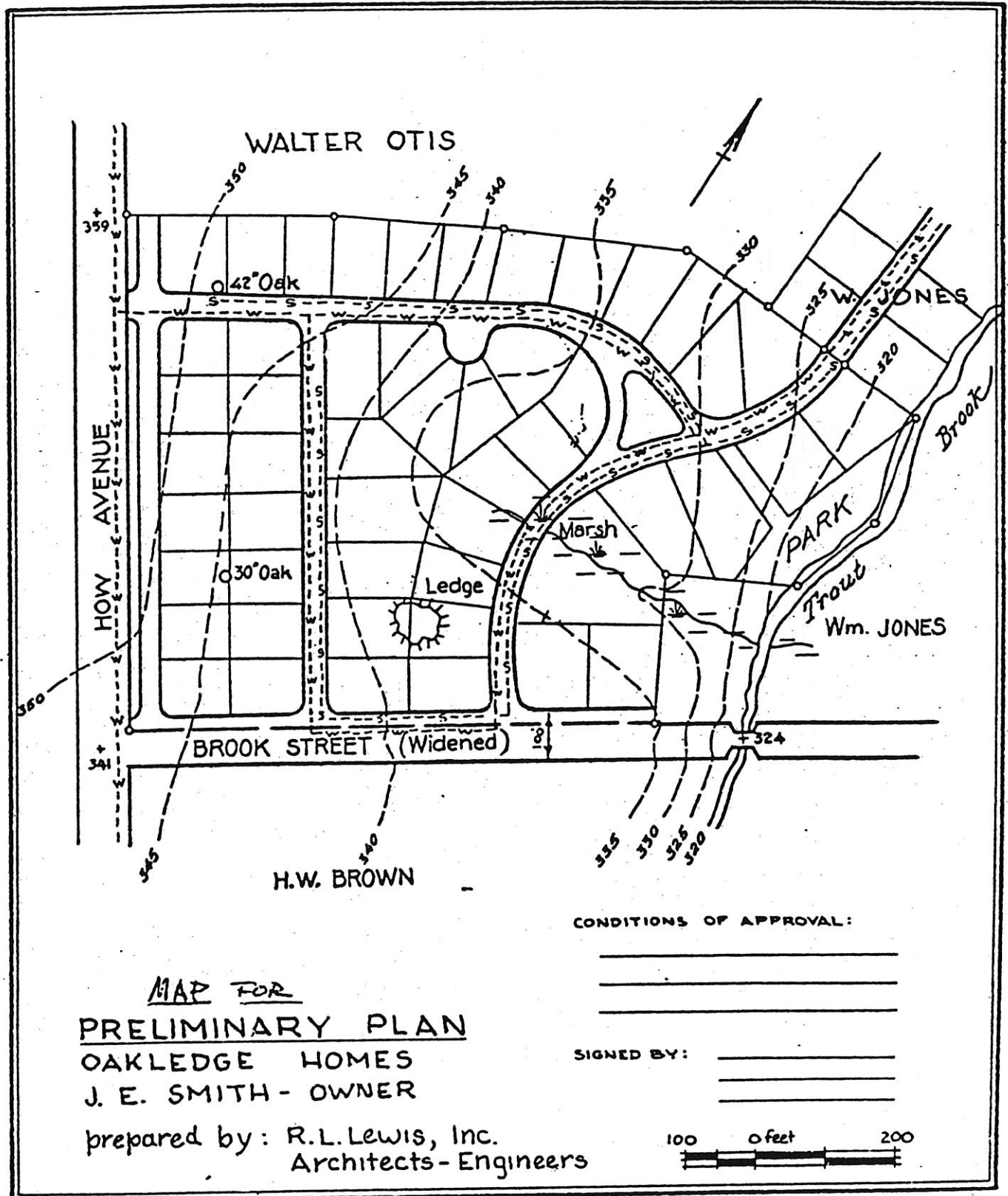


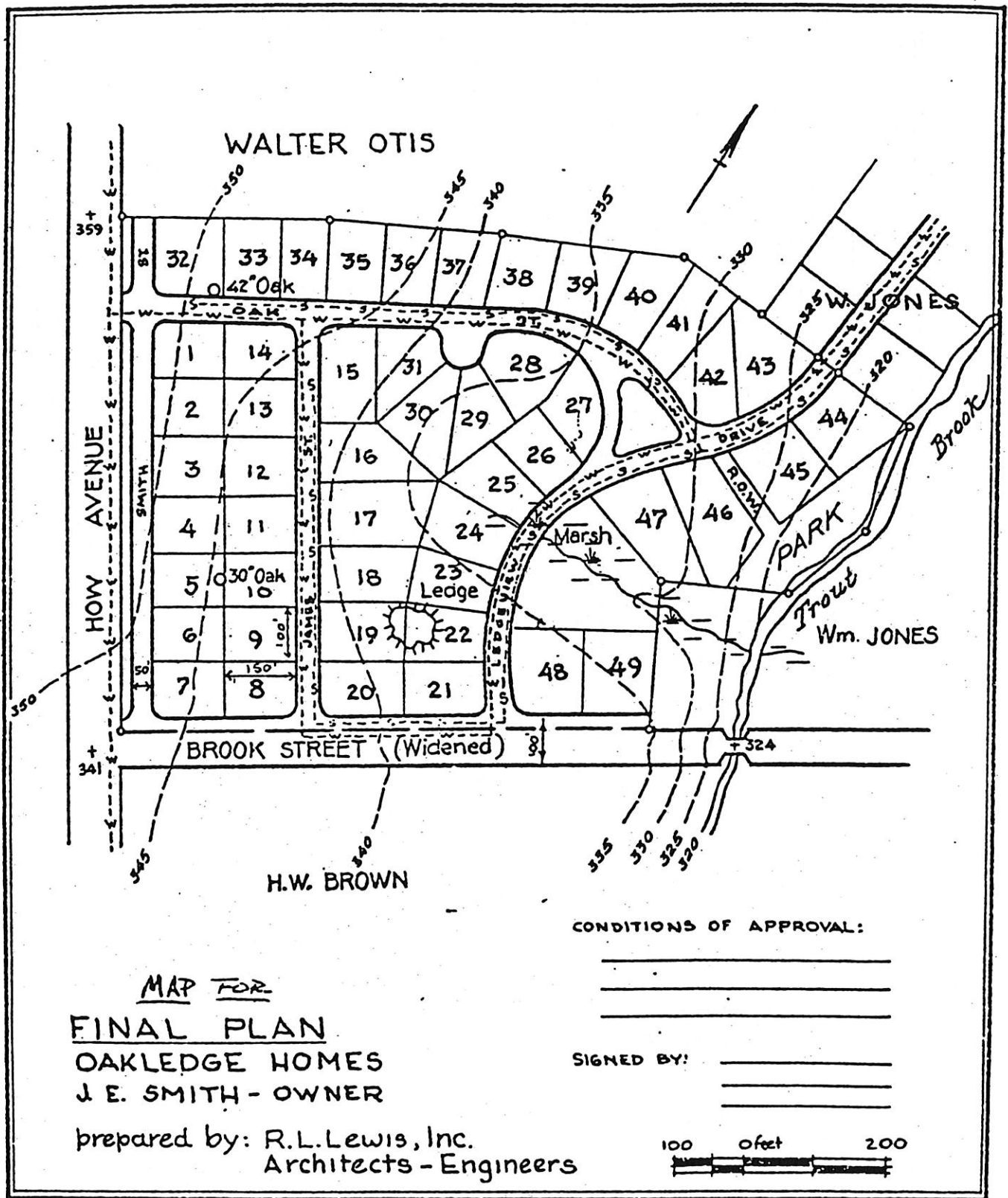
(Sample)  
LOCATION MAP\*





(Sample)  
PRELIMINARY PLAN  
After Review of Sketch Plan\*



(Sample)  
FINAL PLAN\*

(Sample)  
UTILITY SERVICE FORM\*

TO: Applicants for Electric Service (or Developers of a Subdivision)

FROM: Central Maine Power Company

Chapter 454 of the Public Laws of Maine of 1971, effective September 23, 1971, amended 30 M.R.S.A., Section 4956 to provide that "No public utility . . . or any utility company of any kind shall serve any lot in a subdivision for which a plan has not been approved." A "subdivision" is defined by law as the division of a parcel of land into three or more lots for the purpose of sale, development, or building. The required approval must come from the Planning Board in your municipality, or if there is no Planning Board, from the municipal officers.

In order to assure both yourself and Central Maine Power Company that the provisions of this new law have been complied with so that the Company may be able to render you adequate service, you should have the form below filled out by the Planning Board (or the municipal officers if there is no Planning Board) in your municipality and return it to the Company's local office as soon as possible.

We sincerely appreciate your cooperation in helping us to provide you with electric service.

\_\_\_\_\_, 197 \_\_\_\_\_

This is to certify that \_\_\_\_\_ has presented to us information concerning the parcel of land at \_\_\_\_\_

\_\_\_\_\_ to which an electric service extension by \_\_\_\_\_  
(City or Town) (Street or Road)

Central Maine Power Company is requested. We further certify that said premises to be served are (check one):

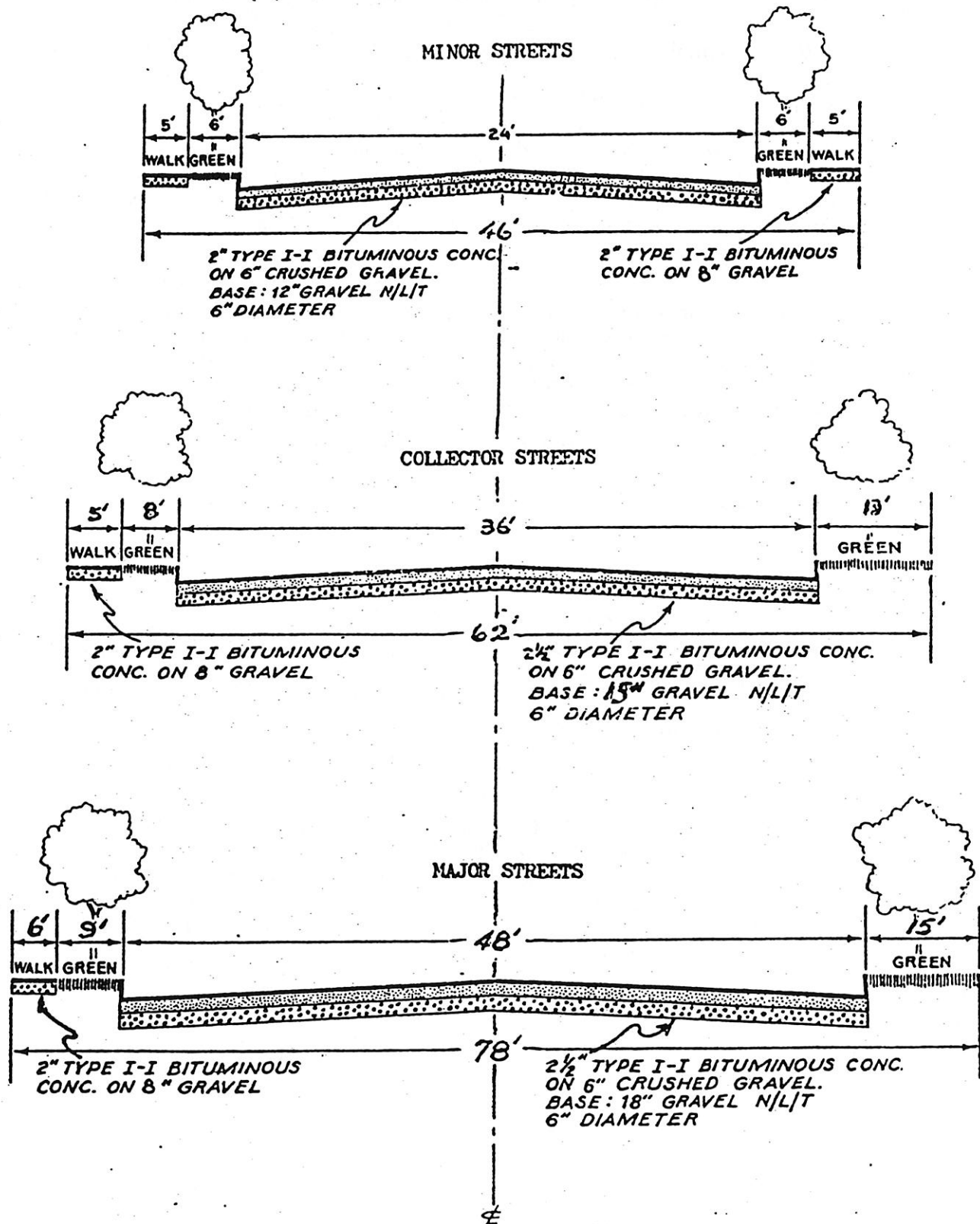
1. Not part of a subdivision as defined in Title 30 M.R.S.A., Section 4956; or
2. Are part of a subdivision as defined in Title 30 M.R.S.A., Section 4956 for which approval has been obtained from the Municipal Planning Board, or in the absence thereof, the Municipal Officers. A copy of the order approving the subdivision is attached. An approved plan has been filed in the \_\_\_\_\_ County Registry of Deeds, Plan Book \_\_\_\_\_, Page \_\_\_\_\_.

TOWN (CITY) OF \_\_\_\_\_

By Its Authorized Officials

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# MINIMUM STREET REQUIREMENTS - SECTION VIEWS



Sidewalk and "green strip" minimums as shown when sidewalks are required.

Sidewalks may be required on only one side of the street, or both sides, or none.

# DESIGN AND CONSTRUCTION STANDARDS FOR STREETS

<u>ITEM</u>	<u>Major Streets</u>	<u>Collector Streets</u>	<u>Minor Streets</u>
1. Minimum Width - Total . . . . .	78'	62'	46'
2. Minimum Width of Pavement . . . . .	48'	36'	24'
3. Minimum Grade . . . . .	.5%	.5%	.5%
4. Maximum Grade . . . . .	5%	7%	10%
5. Maximum Grade at Intersections . . . . .	3% w/in 200'	3% w/in 125'	3% w/in 50'
6. Grade Changes Permit Unobstructed View for at Least . . . . .	400'	300'	200'
7. Minimum Angle at Intersections . . . . .	60%	60%	60%
8. Width of Shoulders (Minimum) . . . . .	9'	8'	7'
9. Minimum Center-line Radius on Curves . . . . .	800'	400'	200'
10. Minimum Tangent Length between Reverse Curves . . . . .	300'	200'	100'
11. Minimum Depth of Road Base . . . . .	24"	21"	18"
12. Road Sub-Base, Bank Gravel, Minimum Depth . . . . .	18"	15"	12"
13. Road Upper-Base, Crushed Gravel Minimum Depth . . . . .	6"	6"	6"
14. Road Surface - Depth of Bituminous Paving . . . . .	2½"	2½"	2"
15. Road Crown, Minimum . . . . .	¼"/ft.	¼"/ft.	¼"/ft.
16. Sidewalks, Minimum Width (Where required) . . . . .	6'	5'	5'
17. Sidewalks, Depth of Gravel Base . . . . .	8"	8"	8"
18. Sidewalks, Depth of Bituminous Paving . . . . .	2"	2"	2"
19. Dead-End Streets, Minimum Width - Total . . . . .			46'
20. Dead-End Streets, Maximum Length . . . . .			600'
21. Dead-End Streets, Radius of Turn-Around at End Property Line Minimum . . . . .			65'
Pavement Minimum . . . . .			50'
22. Curb Radius at Intersections 90° Intersections . . . . .	25'	25'	25'
Intersections Less Than 90° . . . . .	30'	30'	30'

\* In addition to minimum pavement width, all streets in a mobile home park shall have a cleared area (no obstructions over two feet high) totalling 40' wide within the right-of-way to provide for maneuvering of mobile homes.

Art. 49. To see if the inhabitants will vote to amend the Embden Real Estate subdivision standards as follows:

Under ARTICLE 2 - DEFINITIONS delete the definition for "Subdivision" in its entirety and substitute the following therefor:

Subdivision:

1. A subdivision is a tract or parcel of land divided into three or more pieces or lots.

a. The division may be by sale, lease, development, building, gift or otherwise.

b. A parcel of land includes all adjoining land of the same ownership.

c. The "three or more" pieces or lots can include lots divided by a former owner.

d. A lot created before subdivision status existed for that location is exempt from subdivision regulation. However, that lot shall be counted within a subsequent subdivision which contains that lot.

e. Shopping centers, condominiums, apartment houses, mobile home parks, camping areas and the like shall be considered subdivisions if three or more of their proposed units or segments possess interest in the underlying ground.

2. Exceptions to the subdivision "three or more" count include:

a. Lots duly made and recorded in the Somerset County Registry of Deeds more than five years previously.

b. Lots created by inheritance, governmental seizure or order of a court.

c. Lots given to relatives by blood, marriage or adoption and lots conveyed to an abutting landowner, unless the intent of such transfers is to avoid the provisions of this ordinance. Lots separated by a road, unless the road was made by the owner of the land on both sides of it.

d. Lots conveyed to the Town of Embden or to the School District #74.



## 4.2 – PROCESSING APPLICATIONS – MINOR SUBDIVISIONS (con't.)

4.2.2 – Fees - All Submissions of final plans for minor subdivision shall be accompanied by a fee of \$250.00 plus \$100.00 per subdivided lot, payable by check to the Town of Embden, stating on the check its purpose. (Amended 5/05/05)

4.2.3 – Public Hearing – Within 30 days from receipt of the Final Plan, the board shall hold a public hearing advertised twice in a newspaper of general circulation at least a week in advance. The Subdivider shall be notified of the time and place of this hearing.

4.2.4 – Approval/Disapproval – Within 30 days after the hearing or 45 days after receipt of the Plan, the Board shall approve, modify or disapprove the Final Plan. Reasons for any action taken shall be stated in writing.

## 4.3 – FORM OF APPLICATIONS – MINOR SUBDIVISIONS – The Final Plan shall include the following:

4.3.1 – Four copies of all documents, including maps and drawings.

Maps and drawings shall be drawn to a scale of not over 100' to the inch and shall be clearly reproduced on suitable material at least 8 1/2" x 11", but not larger than 34" x 44". Sheet shall have 2" left-hand margins for binding and 1" margins on the other edges.

4.3.2 – Names and addresses of the owner of record, the subdivider, the subdivision itself, names of adjoining owners, and for maps, the north point, map scale and contour interval.

4.3.3 – Copy of any deed restrictions, easements and liens covering any part of the subdivision tract.

4.3.4 – A survey map of all subdivision boundaries, interior as well exterior, to the scale specified by the Board and certified by a licensed surveyor. Corners of the tract (located on the ground by permanent monuments) shall be referenced on the map. Contour lines specified by the Board shall be shown and also soil-type boundaries by USDA Soil Conservation Service classification. Soil conditions will be identified down to one eighth acre to determine suitability for septic or public sewage disposal according to the USDA Soil Conservation Service publication, "Soil Suitability Guide for Land Use Planning in Maine".

4.3.5 – Sewage and water supply facilities shall be designed to meet these Standards and relevant State laws and regulations.

4.3.6 – Description of available utilities and of proposed facilities, including streets and their construction and joint – use areas for Town acceptance.

## Article 5 – PRELIMINARY PLAN – MAJOR SUBDIVISION

### 5.1 – PROCESSING PRELIMINARY PLANS – MAJOR SUBDIVISIONS

5.1.1 – Within six months after the Board has classified a proposed subdivision as “Major”, the subdivider shall submit a Preliminary Plan for a Major Subdivision. (See App. 6 for sample.) Failure to do so shall require resubmission of a Sketch Plan for classification. The Preliminary Plan shall conform to the Sketch Plan and all prior preliminary information as well as to additional items requested by the Board.

5.1.2 Fee – Submission of the Preliminary Plan shall be accompanied by a fee of \$500.00 plus \$100.00 per subdivided lot, payable by check to the Town to Embden, stating on the check its purpose. (Amended 5/05/05)

5.1.3 – Public Hearing – Within 30 days after receipt of the Preliminary Plan, the board shall hold a public hearing advertised twice in a newspaper of general circulation at least a week in advance. The Subdivider shall be notice of the time and place of this hearing.

5.1.4 – Approval/Disapproval – Within 30 days after the hearing or 45 days after the Plan’s receipt, the Board shall approve, modify, or disapprove the Preliminary Plan. This action, with reasons, shall be in writing.

5.1.4 (1) – The Board shall state its reasons for modifications or disapproval in writing. The Board shall similarly give written notice of conditions for approval or of performance bond requirements in specific detail.

5.1.4 (2) – The Board shall affix its above actions to all copies of the Preliminary Plan, one of which shall be returned to the subdivider, one forwarded to the Selectmen and two retained.

### 5.2 FORM OF THE PRELIMINARY PLAN SUBMISSIONS – MAJOR SUBDIVISIONS

5.2.1 – Location Map – The Preliminary Plan shall include a location map (See App. 5 for sample.) drawn to a scale of not over 400 ft./inch showing the proposed subdivision and all surrounding area within a half mile AND:

5.2.1 (1) – Drawing all abutting land parcels or those across any street from the subdivision, with names of record owners.

5.2.1 (2) – Locations, widths and names of existing or proposed streets, easements, building lines and other major features of the properties in paragraph 5.2.1 (1) above.



5.2.2 (11) – A drainage plan for storm drainage, including design and capacity of any bridges or culverts required.

5.2.2 (12) – Specific public-use areas, stating their uses.

5.2.2 (13) – Location of all natural features or site elements to be preserved.

5.2.2 (14) - An erosion control plan.

## ARTICLE 6 – FINAL PLAN FOR MAJOR SUBDIVISION

### 6.1 – PROCESSING THE FINAL PLAN – MAJOR SUBDIVISION

6.1.1 – Within six months after approval of his Preliminary Plan, the subdivider shall submit a Final Plan. (See app. 7 for sample map.) Failure to meet this schedule may require re-submission of the Preliminary Plan.

6.1.2 – Fee – All Final Plans for Major Subdivision submitted to the Board shall be accompanied by a fee of \$500.00, payable by check to the Town of Embden, stating on the check its purpose. (Amended 5/05/05)

6.1.3 – Required Subordinate Approvals – Before the Final Plan is submitted to the Board for approval, separate written approvals must be secured from the agencies listed below, if appropriate:

6.1.3 (1) – State of Maine Department of Environmental Protection if the subdivision is larger than 20 acres, or has more than 60,000 sq. ft. of ground area in structures, or will discharge waste into any body of water, or will take natural resources from the area, or is subject to such review for any other reason.

6.1.3 (2) - Water supply systems shall be approved by:

6.1.3 (2)(a) – The servicing Water Department/District if existing public water service is to be used, or

6.1.3 (2)(b) – The Maine Department of Health and Welfare if a new central water supply system is to be provided, or

6.1.3 (2)(c) – A licensed engineer if individual wells are to be used. In this event, results of water quality tests will also be required from the Maine Department of Health and Welfare

TOWN OF EMBDEN, MAINE

ENACTMENTS OF SPECIAL TOWN MEETING OF 9 DECEMBER 1972 WHICH  
AUTHORIZED THE ESTABLISHMENT OF THE EMBDEN PLANNING BOARD

AMENDED 6 MARCH 1976

ARTICLE 2: Establishment of the Embden Planning Board

1. Establishment pursuant to M.R.S.A. VIIIa & XXX, Paragraph 1917: The Town of Embden hereby establishes the Embden Planning Board.

2. Appointments

- a. Appointments to the Board shall be made by the Municipal Officers.
- b. The Board shall consist of five members and two associate members.
- c. The term of each member shall be five years, except for the initial appointments, which shall be for one, two, three, four and five years respectively. The term of office of an associate member shall be one year.
- d. When there is a permanent vacancy, the municipal officers shall within 60 days of its occurrence appoint a person to serve for the unexpired term.
- e. Not more than one municipal officer may serve as a member or associate member.
- f. No non-residents of the Town of Embden may serve as a member or associate member.
- g. (1) A Planning Board member may be removed by the municipal officers at any time for cause.  
(2) Causes for removal shall be continued failure to attend meetings, refusal to not vote on matters wherein the member has a clear conflict of interest, sickness-both physical and mental, and conduct unsuited to a Town official.  
(3) The municipal officers shall act on such removal only after cause for removal has been filed with them by one or more of the Planning Board or by public petition.  
(4) The municipal officers shall not act to remove a member of the Planning Board for cause without first giving such member an opportunity to be heard, and further, until a public hearing shall have been held on the matter.

3. Organization and rules

- a. The Board shall elect a chairman and secretary from among its members and create and fill such other offices as it may determine. The term of all offices shall be one year with eligibility for reelection.
- b. When a member is unable to act because of interest, physical incapacity, absence, or any other reason satisfactory to the chairman, the chairman shall delegate an associate member to sit in his stead.
- c. An associate member may attend all meetings of the Board and participate in its proceedings, but may vote only when he has been designated by the chairman to sit for a member.
- d. Any question of whether a member shall be disqualified on voting on a particular matter shall be decided by majority vote of the members except the member who is being challenged.
- e. The chairman shall call at least one regular meeting of the Board each three months.
- f. No meeting of the Board shall be held without a quorum consisting of three members or associate members.

g. The Board shall adopt policies for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

4. Duties; Powers

- a. The Board shall prepare a Comprehensive Plan as defined by XXX M.R.S.A., paragraph 4961. A Comprehensive Plan that is adopted by the Board shall control until superseded by provisions adopted by the Town legislative body.
- b. The Board shall perform such duties and exercise such powers as are provided by Town ordinances and the laws of the State of Maine.
- c. The Board may obtain goods and services necessary to its proper function within the limits of the appropriations made for the purpose.
- d. The Board may, either alone or altogether with the municipal officers, be authorized to enter into contracts with Federal, State or private agencies for the purpose of making studies concerning municipal affairs.
- e. The Board shall have no legislative authority except that conferred upon it by the Town from time to time through specific acts and ordinances.